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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,977	02/21/2002	Atsushi Kanagawa	FUJO 19.465	9995
26304	7590	02/07/2005	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585			IQBAL, KHAWAR	
			ART UNIT	PAPER NUMBER
			2686	
DATE MAILED: 02/07/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,977

Applicant(s)

KANAGAWA, ATSUSHI

Examiner

Khawar Iqbal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-13,16-17 and 19 are rejected under 35 U.S.C. 102(e) as being unpatentable by Sawyer (5901145).

3. Regarding claim 1 Sawyer teaches a mobile communications system in which first and second frequencies are allocated to each wireless communications area, comprising (figs. 1,2):

a first base station device (38) provided in a first wireless communications area (36); a second base station device provided in a second wireless communications area (16) (col. 4, lines 22-67);

a third base station device (18) provided in a third wireless communications area (16) adjacent to the first (38) and second wireless communications areas (16) (col. 4, lines 22-67); a first controller (CDMA OR AMPS MSC) accommodating said first base station (38) device and controlling communications conducted by said third base station device (18) using the first frequency (CDMA); and a second controller (FDMA MSC) accommodating said second base station (18) device using first frequency but

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not controlling communication conducted by said base station device using the second frequency (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45); and second controller accommodating said second base station and controlling communications conducted by said third base station device using the second frequency but not controlling communications conducted by said third base station device using the first frequency (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45).

Regarding claim 2 Sawyer teaches wherein when a mobile station using the first frequency in the first wireless communications area moves from the first wireless communications area to the third wireless communications area, said third base station device communicates with the mobile station using the first frequency (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45).

Regarding claim 3 Sawyer teaches wherein when a mobile station using the second frequency in the first wireless communications area moves from the first wireless communications area to the third wireless communications area, said third base station device communicates with the mobile station using the second frequency (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45).

Regarding claim 4 Sawyer teaches wherein when a mobile station using the first frequency in the third wireless communications area moves from the third wireless communications area to the first wireless communications area, said first base station device communicates with the mobile station using the first frequency (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45).

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Regarding claim 5 Sawyer teaches wherein when a mobile station using the second frequency in the third wireless communications area moves from the third wireless communications area to the first wireless communications area, said first base station device communicates with the mobile station using the first frequency (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45).

Regarding claims 6 and 7 Sawyer teaches Lake does not specifically teach wherein said third base station device is connected to said first controller via a first transmission line and is connected to said second controller via a second transmission line (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45).

Regarding claims 8-10 Sawyer teaches a mobile communications system, comprising (figs. 1,2):

a first base station device provided in a first wireless communications area to which at least a first frequency is allocated (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45); a second base station device provided in a second wireless communications area to which at least a second frequency is allocated (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45); a third base station device provided in a third wireless communications area, which is adjacent to the first and second wireless communications areas and to which the first and second frequencies are allocated (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45); a first controller accommodating said first base station device and controlling communications conducted by said third base station device using the first frequency but not controlling communication conducted by said base station device using the second frequency (col. 4, lines 22-67,

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col. 5, lines 55-65, col. 6, lines 26-45); and a second controller accommodating said second base station device and controlling communications conducted by said base station device using the second frequency but not controlling communications conducted by said third base station device using the first frequency (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45). Loke does not specifically teach controlling communication conducted by said third base station device.

Regarding claims 11-13 Sawyer teaches a mobile communications system, comprising (figs. 1,2):

a first base station device provided in a first wireless communications area to which at least a first frequency is allocated (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45); a second base station device provided in a second wireless communications area to which at least a second frequency is allocated (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45); a third base station device provided in a third wireless communications area, which is adjacent to the first and second wireless communications areas and to which the first and second frequencies are allocated, where said third base station device is accommodated in different controllers for each allocated frequency (col. 4, lines 22-67, col. 5, lines 55-65, col. 6, lines 26-45).

As to claim 16 it is considered the claim is rejected forth same reason as set forth in claim 1.

As to claim 17 it is considered the claim is rejected forth same reason as set forth in claim 1.

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As to claim 19 it is considered the claim is rejected for the same reason as set forth in claim 1.

4. Claims 14-16 and 18 are rejected under 35 U.S.C. 102(b) as being unpatentable by Kabasawa (5987013).

5. Regarding claims 14, 15 Kabasawa teaches a base station device (bs1), located adjacent to a base station (bs2) using a plurality of frequencies (A, B), that shares at least one of the plurality of frequencies, comprising (figs. 1, 3, 6) controlling means for performing a soft hand-off process if there is a hand-off from this base station to the adjacent base station when the shared frequency is used (figs. 3, 6, col. 9, lines 40-61), and performing a hard hand-off process using the shared frequency if there is a hand-off from adjacent base station to this base station when a frequency other than the shared frequency is used in the adjacent base station (col. 10, lines 21-40).

As to claim 16 it is considered the claim is rejected for the same reason as set forth in claim 14.

Regarding claim 18 Kabasawa teaches a base station device, used in a mobile communications system comprising a first base station device provided in a first wireless communications area to which at least a first frequency is allocated, a second base station device provided in a second wireless communications area to which at least a second frequency is allocated and a third base station device provided in a third wireless communications area which is adjacent to the first and second wireless communications areas and to which the first and second frequencies are allocated, that accommodates at least second and third base station devices, comprising (figs. 1, 3, 6):

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a base station management table for registering base station devices to be controlled for each frequency allocated to corresponding wireless communications area (col. 9, lines 20-61); and controlling means for controlling the second (21) and third base stations (19) based on information registered in said base station management table (col. 9, lines 20-61).

Response to Arguments

6. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHAWAR IQBAL whose telephone number is 703-306-3015.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **BANKS-HAROLD, MARSHA**, can be reached at 703-305-4379.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

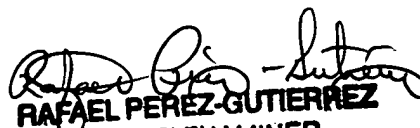
or faxed to:

(703) 872-9314 (for Technology Center 2684 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Khawar Iqbal


RAFAEL PEREZ-GUTIERREZ
PATENT EXAMINER
2/6/08